

LAW & CULTURE



SILENCING DISSENT: How the Australian government is controlling public opinion and stifling debate

Clive Hamilton and Sarah Maddison (eds), Allen & Unwin, 2007, 300 pp, \$24.95 (paperback)

QUARTERLY ESSAY 'His Master's Voice: The Corruption of Public Debate under John Howard'

No 26, 2007, David Marr (see also correspondence with a response from David Marr in *Quarterly Essay* No 27, 2007), \$14.95

Thursday, 11 March 2021 will mark 25 years of John Howard rule. Twenty-five years after Howard's first election victory, and nearly 14 since the last, much has changed. Howard's unexpected win in 2007 — a success attributed to the Australian embassy bombing in Jakarta and panic caused by the equine influenza virus crossing the species barrier — transformed the Liberal Party, Howard, and Australia. Reinvigorated by victory, and claiming the nation needed his guiding hand more than ever, Howard revoked his pre-election non-core promise to hand over the leadership, sent Peter Costello to the UN, and reconstructed Australia. In 2010, the Liberal Party absorbed the Nationals and the right wing of the Labor Party to become the Conservative Party Australia. With its massive majority, the government declared a state of permanent emergency, suspended elections and habeas corpus, and enacted the True Australia (Cronulla) Act 2011, which prohibited the speaking of foreign languages, ethnic 'enclaves', and other un-Australian activities. True Australia abolished the states and their courts, and amalgamated the state police forces to create the para-military Australian Guard (motto: Per Vereor ut Verum — Through Fear to Truth) and its subordinate organisation, the Native Guard, which administers the former Northern Territory and all Indigenous activities. It privatised schools and universities, standardised curricula to include compulsory British and American history with Christian studies, established the primacy of the

Gospel, the Centre for Independent Studies, and the Institute of Public Affairs in assessing and awarding research grants, and handed over the ABC to the commercial networks. As the ABC reported in the 7pm Alan & Andrew Hour, the 81-year old Prime Minister will celebrate his silver jubilee by laying the foundation stone for the first of Australia's 450 planned nuclear reactors in a ceremony at Echo Point on the shores of Lake Katoomba. Governor-General Windschuttle stated that:

Australia's greatest leader demands and deserves our support. Comparing the embassy bombing to the 1978 Hilton bombing does no one any good. Reports of government detentions, violence, and killings are exaggerated.

How far were we from the world I described above if the good sense or boredom of the Australian electorate on 24 November 2007 had not swept away John Howard and his government? David Marr and the contributors to *Silencing Dissent* would probably answer, 'Not all that far'. A more disturbing question might be, 'How far away are we now that we've elected Kevin Rudd and the ALP?'

Silencing Dissent appeared in early 2007. Its ten contributors are well-known and well-credentialed critics of the Howard government. Collectively, their thesis is that the Howard government orchestrated a 'systematic strategy ... to mute opposition to government policy and control public opinion'. It strikes me that this is what all governments do, notwithstanding any pre-election rhetoric of openness and accountability. But *Silencing Dissent* provides sobering evidence that the Howard government, driven by a sense of vengeance for Howard and the Party's many years out of power, moral righteousness, and an innate authoritarianism founded probably in a fear of life and of others, was 'pervaded by an intolerant and anti-democratic sentiment ... which reflects its belief that it [had] the right to behave in whatever way it deem[ed] appropriate'. This sentiment led it to attack the formal and informal institutions of culture and democracy in ways that have seriously damaged Australian democracy, substituting minimalist proceduralism for the complex processes of executive responsibility,

inclusiveness, participation, representation, accountability, transparency, and responsiveness, leaving the Australian public vulnerable to fear, complacency, and demagoguery.

The ways Howard's government deemed appropriate included egregious attacks on individuals, including academics, commentators, artists, public servants, and people asserting their right to protest; and government and non-government institutions and organisations, including the Senate and its committees, universities, non-government organisations (NGOs) and the public service. These attacks were prosecuted not only by government fiat, and members under the privilege of parliament, but by a gaggle of commentators, self-conscious 'warriors' of the Right associated with *Quadrant*, the Centre for Independent Studies, and the Institute of Public Affairs: Albrechtsen, Ackerman, McGuinness, Pearson, Saluszinsky, Windschuttle et al. One of the most disconcerting aspects of *Silencing Dissent* is the reminder of how much influence these commentators had. For instance, Stuart Macintyre describes how columnist Andrew Bolt's criticisms of Australian Research Council grants led to the appointment of Paddy McGuinness on the ARC's Quality and Scrutiny Committee. There, despite his admission that he did not understand the process, he was able to compromise the peer review process and Australia's research reputation, claiming that 'he could tell from the titles that many of [the] projects were "rubbish"'.

More serious than the power given these vituperative critics of the Left, were the continuing and systematic attacks on the institutions and processes of government itself. Power was centralised, independence curtailed, and processes politicised. Andrew Macintosh's, Andrew Wilkie's, and Harry Evans' respective chapters on statutory authorities, the military, and the Senate, document a pattern of interference, bullying, covering-up, and stripping of power and independence that reveals an intolerant government bent on total control. Where it might have gone had it won the 2007 election is frightening to contemplate.

David Marr wrote his essay after the release of *Silencing Dissent*, and could take as given the documentation of the Howard government's excesses. His focus is closer and more personal. He describes with ferociously eloquent disdain the ongoing bastardry of the Australian government under Howard. He excoriates Howard, 'the Old Voltairean', and suggests there is something wrong in the relationship Australians have to their democracy — 'We aren't the larrikins of our imagination ... Australians are an orderly people who love authority ... subjects more than citizens'; 'It's a big part of our upbringing, learning to shut up, to listen, to wait until we're spoken to ... Limits other countries don't accept, we take for granted ... It's part of our deal with authority'. He notes Howard's ability to 'spin, block, prevaricate, sidestep, confound and just keep talking come what may', his 'genius for ambiguity', his lying 'without shame', and how '[f]or the last decade, Australia ... had a prime minister who [thought] it beneath him to admit mistakes'.

Like *Silencing Dissent*, Marr shows Howard, his government and its press cheerleaders controlling, censoring, or silencing public debate, scientific and other research, NGOs, the public service, and parliament; politicising the military, demonising and criminalising lawful protesters, and seducing us into the unedifying 'culture wars' — 'a party-political assault on Australia's liberal culture'. For examples Marr largely confines himself to events occurring as he writes (13 February – 13 April 2007). Nevertheless, the list is long: the 'monstering' of Professor David Peetz's research on WorkChoices; Treasurer Peter Costello's threats against animal rights campaigners; the ban of Philip Nitschke's *Peaceful Pill* handbook; hiding of Commonwealth knowledge of the Balibo killings; dawn raids on G20 demonstrators; Allan Kessing's conviction for leaking the Customs report on Mascot airport; Attorney-General Ruddock's plans to ban material that 'advocates' terrorism. Asserting that 'the contest of conversations' is the heart of democracy, Marr contends that what Howard and his government depended on was the 'lazy, brutal assertion of power at the expense

of public debate', the bullying specification of the average and the mainstream. A mainstream that asserts 'we're just in business here [in Australia], a corner shop surviving on the say-so of the bigger chains up the road'.

The eloquence and power of Marr's writing is enjoyable, and I share his scorn for Howard and his government. But there is also scorn for Australians, and I'm not sure which Australians he's talking about. On the one hand, according to Marr, Australians are orderly, easily led, silent in the face of authority, and wedded to the mainstream. On the other, 'we' do not like the USA, think the rich too rich, the poor too poor, didn't agree with the decision to invade Iraq, trust the ABC, don't go to church, support euthanasia and abortion rights, and believe business has too much power. Perhaps 'we' don't speak up as much as Marr would like, but I remember significant protests against government decisions in relation to these issues. I can't help thinking that in some ways Marr's critique is of some other, older Australia, and that in a way he's recreating the same mythic 'mainstream' that Howard appealed to in his years in power. 'We' are now more than the white Anglo-Celtic, good Christian country that embraced stoic fortitude in the face of defeats in foreign countries (read ANZACs, read Iraq). But for all that, Marr's essay is an enjoyable corrective to the panegyrics of the loony Right.

Now that Howard and his government have gone, do these essays have anything to tell us? Definitely. They show us what happened. They show us how it happened. They point to what was lost, and what can be, must be, regained. Neither book has illusions that a Labor government will not similarly exploit its power, but each provides blueprints against which we may measure its progress, or otherwise. There are signs in Rudd's call for an Australia 2020 summit, in the measured tone of some of his speeches, and the collaborative talk of his ministers, that we are in for something at least a little more open, inclusive, and accountable. But 'we' must be wary. Those of 'us' whose country was seized by the force of an invading power and who were alienated from their land and culture, or who came here as

refugees from totalitarian regimes, know the ease with which governments can seize power. Other Australians may not. Most Australians are unaware that much of the legislation and processes for so doing already exist. The scenario I sketched at the beginning of this essay, whether or not you thought it paranoid or amusing, was, and is, not that far away. Reading these essays may help keep it distant.

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ODYSSEY TO FREEDOM: A memoir by the world-renowned human rights advocate, friend and lawyer to Nelson Mandela

George Bizos, Random House South Africa, 2007, 616 pp, available from www.kalahari.net and www.exclusivebooks.com.

In his foreword to *Odyssey to Freedom*, Nelson Mandela describes George Bizos SC as a close friend, an advocate of 'integrity, great dedication and complete commitment' and a man whose 'contribution towards entrenching the human rights that lie at the heart of South Africa's constitutional values is impossible to overrate'. Reading Bizos' autobiography, *Odyssey to Freedom*, one could also add that Bizos is clearly a man of humility, courage, legal acumen and incisive intellect.

George Bizos fled to South Africa from his native Greece as the Nazis occupied his homeland in 1940–41. Bizos and Mandela met while law students at the University of Witwatersrand and began a personal, professional and political relationship that has endured for over 60 years. During that time, Bizos has been involved in many of the most significant political and human rights trials of the period; involvements that have seen him conferred with the International Trial Lawyer of the Year Prize in 2001 and the Duma Nokwe Human Rights and Democracy Award in 2004.